

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America)
 v.)
)
 Anthony Jerome Harris)
 Defendant)

Case No. CR-09-00827-SBA

FILED

DEC 1 - 2009

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

DETENTION ORDER PENDING TRIAL

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that these facts require that the defendant be detained pending trial.

Part I—Findings of Fact

(1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has previously been convicted of a federal offense a state or local offense that would have been a federal offense if federal jurisdiction had existed - that is

- a crime of violence as defined in 18 U.S.C. § 3156(a)(4) or an offense listed in 18 U.S.C. § 2332b(g)(5) for which the prison term is 10 years or more.
- an offense for which the maximum sentence is death or life imprisonment.
- an offense for which a maximum prison term of ten years or more is prescribed in _____

*

a felony committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses:

- any felony that is not a crime of violence but involves:
 - a minor victim
 - the possession or use of a firearm or destructive device or any other dangerous weapon
 - a failure to register under 18 U.S.C. § 2250

(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state release or local offense.

(3) A period of less than five years has elapsed since the date of conviction the defendant's release from prison for the offense described in finding (1).

(4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition will reasonably assure the safety of another person or the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

(1) There is probable cause to believe that the defendant has committed an offense for which a maximum prison term of ten years or more is prescribed in _____.

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

cc: Stats, Lisa, Copy to parties via ECF, Pretrial, 2 certified copies to Marshal

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under 18 U.S.C. § 924(c).

(2) The defendant has not rebutted the presumption established by finding 1 that no condition will reasonably assure the defendant's appearance and the safety of the community.

Alternative Findings (B)

(1) There is a serious risk that the defendant will not appear.

(2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Statement of the Reasons for Detention

I find that the testimony and information submitted at the detention hearing establishes by

clear and convincing evidence

a preponderance of the evidence that the defendant is a flight risk and is a financial danger to the community and/or other persons.

Findings Related to Detention:

1. The evidence against the defendant is substantial in that victims' true driver license numbers and other personal information from different sources, including stolen car registration applications from two different car dealerships were allegedly used by the defendant to obtain fraudulent driver licenses and fraudulent checks in the victims' names or bearing the victims' true driver license numbers, then the defendant purchased high-value goods from department stores and other retailers using the fraudulent checks and fraudulent driver licenses in the victims' names. The fraudulent checks were drawn on financial institutions, which were insured by the Federal Deposit Insurance Corporation.
2. The defendant's driver's license is currently suspended or revoked according to the California Department of Motor Vehicles records.
3. The defendant has no verifiable permanent residence.
4. The defendant has no history of consistent employment.
5. The defendant has some history of failure to appear in court.
6. The defendant has a criminal history including Transporting/Selling Narcotic/Controlled Substance, Petty Theft, and Grand Theft; and arrests and convictions for violent offenses such as Battery with Serious Bodily Injury and Threaten Crime with intent to Terrorize.
7. The defendant's criminal history as provided by Pretrial Services is incorporated in this Order by reference.

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Date:

1 Dec. 2009



Judge's Signature

TIMOTHY J. BOMMER, United States Magistrate Judge

Name and Title